

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

ANDREW DONE,

Defendant.

22-cr-192 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On August 30, 2024, defendant Andrew Done wrote to the Court stating that he had been extradited and claiming that the extradition treaty between the United States and the Dominican Republic precluded his sentence. This Court construes Done's letter as a petition to vacate his sentence under 28 U.S.C. § 2255.

The Court denies the Done's petition. Done was not extradited to the United States. And even if he were extradited, the extradition treaty does not preclude his sentence. Accordingly, the Court determines that Done's petition is frivolous and hereby denies it. In addition, because Done has not made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c)(2) ("A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right."); Slack v. McDaniel, 529 U.S. 473, 484 (2000) ("[A] substantial showing of the denial of a constitutional right . . . includes showing that reasonable jurists

could debate whether . . . the petition should have been resolved in a different manner.").

SO ORDERED.

New York, NY  
October 4, 2024

  
JED S. RAKOFF, U.S.D.J.